

Morality Play

Aestheticized ethics – the Holocaust trials as a form of dramaturgy

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COMMENT: The draft only covers two thirds of the final essay. The part describing the documentary theater is here missing. Quotations are mostly missing the page numbers, also the bibliography and layout needs revision. My apologies.

At five, at exactly five ... Hattie and I sit before the TV and we become a silent movie. ... A small-faced man narrates. His voice weak and light. An advertisement disguised as not an advertisement from a Jewish real-estate firm. None of that seems to matter. I begin to sweat. My heart pounds. ... We sit on hard kitchen chairs drawn up before the TV, watching. As if putting ourselves to school. The eyewitnesses, their faces designed into masks, wrinkled... Their voices, in translation, disembodied. There is something ... about the way we both move — or don't move—while we are watching. Hattie and I are an experimental, silent film reacting to a film on TV. The old speeded-up, slowed-down, silent film.

—Norma Rosen, *Touching Evil*

1. Introduction

The experience of witnessing the war crimes trial of Adolf Eichmann described in Norma Rosen's novel "Touching Evil" is one shared by many others. In 1961, Eichmann, former SS officer and highest ranking figure in the Nazi hierarchy responsible for facilitating mass deportation and the extermination of European Jewry, was charged and tried before an Israeli court with committing crimes against the Jewish people and humanity. The case of multiple controversies was the first telecast of actual courtroom proceedings and with the distribution to many countries reached an international audience. Especially in America, the trial was daily broadcasted over a period of several months, thereby inscribing and framing the collective memory.

From the very beginning the trial was conceptualized as a symbolic performance, supported not only by the staged design of the courtroom, cinematographic aesthetics of the film footage, but also by the role the audience was given. The morally charged act of witnessing the trial as a drama, became a formative role in establishing the Shoah as part of collective history. As Hans Kellner describes: "Creating a reader for the Holocaust has been the work of writers, artists, filmmakers, poets, and historians since the end of the war." (Shandler, 1999) However, the explicit staging of the trial as a morality play, also leads to the question whether the Shoah can or should have an aesthetic dimension?

Reflecting on the performative nature of the Eichmann trial, Susan Sontag argues, that tragedy has become "a form of history. Dramatists no longer write tragedies. But we do possess works of art (not always recognized as such) which reflect or attempt to resolve the great historical tragedies of our time. [...] As the supreme tragic event of modern times is the murder of the six million European Jews, one of the most interesting and moving works of art of the past ten years is the trial of Adolf Eichmann in Jerusalem in 1961." (Shandler, 1999)

Adorno's well-known comment from 1949, that "writing poetry after Auschwitz is barbaric", was answered by the German theatre maker Peter Weiss by re-enacting parts of the so-called Auschwitz trials from 1963 to 1965 in Frankfurt am Main in his play "The Investigation". Premiered in 1965, Weiss uses the performative nature of trials in general and utilizes the documents as protocols, files, letters, statistics and interviews as his source material. Whereas the Eichmann trial was deliberately conceptualized as a symbolic performance with a highly theatrical approach, the documentary theatre "attempted to renounce as comprehensively as possible all fictionalization in drama" (Wüst, 2005).

In the following essay both cases shall be discussed further to examine narrative and aesthetic strategies in the representation of the Shoah, reflecting the impact of mediation on the creation of moral and memory, considering the trial as a form of dramaturgy.

2. The Eichmann Trial (1961)

2.1 Trial as Performance

After fleeing a possible prosecution in Germany, Eichmann was captured by Israeli agents in Argentina and was brought to Israel, where he was tried before an Israeli court from April to August 1961. From the very beginning the case was controversially discussed, regarding the legality of Eichmann's abduction from Argentina as well as the legality of a trial before a Jewish court in Israel. Moreover, as Hannah Arendt puts it in her writings *Eichmann in Jerusalem. A report on the Banality of Evil*, the "case was built on what the Jews had suffered, not on what Eichmann had done" (Arendt, 1965). The trial was incessantly linked to "Jewish, history, Israeli politics, human psychology, or universal ethics" (Shandler, 1999), thereby creating a case of moral rather than justice.

Whereas the performative nature is possibly inherent to every public trial, Eichmann's case was put on stage even more evidently. In American newspaper one could read that the trial was "a show and spectacle carefully stage-managed to wring the maximum sympathy out of a dramatic exposure of Nazi genocide" (Shandler, 2001). Robert Hariman describes the perception of a trial as a "performance of the laws" in the "national theatre" as a dilemma: "the more a trial appears to be a scene or product of [...] rhetorical artistry, the less legitimate it appears. [...] It seems that good law and powerful rhetoric do not mix." (in Shandler, 2001)

Supporters and critics of the trial alike agreed on the notion of the trial as performance. The latter would declare the case as a mere show trial, whereas its advocates stressed the educational value of the presentation. Especially the presence of a larger audience and cameras in the courtroom were bashed by Eichmann's defense counsel. The prosecution on the other hand argued that the thus obtained publicity should be a guarantor of a fair trial (Shandler, 2001). However, Arendt's description of the Eichmann trial that were originally published in *The New Yorker*, picture the judge's powerlessness when trying to prevent the trial to become a theatrical performance. She writes: "Among the reasons he cannot always succeed is the simple fact that the proceedings happen on a stage before an audience, with the usher's marvelous shout at the beginning of each session producing the effect of the rising curtain." Susan Sontag agrees by stressing that the Eichmann trial was "in the profoundest sense, theater", however, it should "be judged by other criteria in addition to those of legality and morality" (in Orzeck).

2.2 The Stage and the Characters

In her description of the courtroom, Arendt writes:

"Whoever planned this auditorium in the newly built Beth Ha'am, the House of the People (now surrounded by high fences, guarded from roof to cellar by heavily armed police, and with a row of wooden barracks in the front courtyard in which all comers are expertly frisked), had a theater in mind, complete with orchestra and gallery, with proscenium and stage, and with side doors for the actors' entrance. Clearly, this courtroom is not a bad place for the showtrial David Ben-Gurion, Prime Minister of Israel, had in mind when he decided to have Eichmann kidnapped in Argentina... And Ben-Gurion, rightly called the "architect of the state," remains the invisible stage manager of the proceedings...[N]o matter how consistently the judges shunned the limelight, there they were, seated at the top of the raised platform, facing the audience as from the stage in a play. The audience was supposed to represent the world..." (Arendt 1964, 4-5, 6)

Because of the special demands of the trial, the Israeli government held the trial in Beit Ha'am. The large public theater and community center was renovated and remodeled to accommodate the event and meet the security needs and fit the broadcasting equipment. The room was built upon

different layers: On the highest the three judges were seated, enthroned by the emblem of Israel, the only ornament-like decorum of the room. Just beneath two facing tables for the protocols from where a few steps lead to the middle space, divided between the prosecution (right) and accused (left). During the proceedings, Eichmann was kept in a bulletproof glass booth flanked by two armed guards, often polemically referred to as "the cage", with "its contradictory promises to display and to protect" (Shandler, 1999). Seated in the sparsely interior of international style, this glass box was surely the most eye-catching element of the "stage", placed in opposition to the victim on the other side of the room. The spectators' hall was symbolically divided by a pit. Of the 756 seats for the audience, 474 were occupied by the press, reporters were provided with transistor radios to receive the simultaneous translations in either English, German or French. (Shandler, 2001) However obvious the press presence might have been, the cameras were deliberately kept concealed behind windows on either side of the room, hiding the millions of television viewers from all over the world.



Figure 1: Court room with Eichmann standing in the glass booth

But not only the auditorium itself resembled a theater, also the protagonists on stage unavoidable presented themselves as actors in a play. Hannah Arendt compares the trial with a play, since "both begin and end with the doer, not with the victim. A show trial needs even more urgently than an ordinary trial a limited and well-defined outline of what was done and how it was done. In the center of a trial can only be the one who did – in this respect, he is like the hero in the play – and if he suffers, he must suffer for what he has done, not for what he has caused others to suffer."

Also prosecutor Gideon Hausner, most enthusiastic about the theatrical features of the trial, saw the witnesses as effective performers and made dramaturgical choices as to how particular individuals might present similar evidence (Shandler, 2001): "I asked a plumber to give evidence on the events in Bialystok, an important Jewish center. After his statement was recorded, a well-known writer, a leader of the underground in the same place, volunteered to give evidence on the same events. By many standards the latter witness might have been preferable. But I wanted to have the plumber tell his story in his own simple words." (in Shandler, 1999)

2.3 Televising the Eichmann Trial

The special staging of the Eichmann trial is certainly linked to the televising of the event and its international spectators. Since in 1961 Israel had no tv station, the trial particularly targeted foreign audiences and provided "a front-row seat" in Beit Ha'am (Shandler, 1999). But the telecast not only

brought the attention of millions to Israel, it also transferred the morally charged act of witnessing into people's domestic spheres. Especially American television offered an extensive coverage of the trial and thus framed the collective memory and shaped relation to Israel and Jewry of its nation. From a newsletter of the American Jewish Congress: "Thanks to the ingenuity of modern communications – particularly the urgent intimacy of television – the distance between us and the Beit Ha'am in Jerusalem is almost non-existent; we, too, are present in the courtroom. We listen to the recitals of the prosecution. We hear the testimony of the witnesses. We see Adolf Eichmann."

Since the filming should not have interfered with the trial procedures, a single broadcaster (Capital Cities) was authorized to produce an official recording of the trial. However, no rights or exclusivity to the recordings was given, in fact they had to provide footage to all interested television networks and turn over the profits to charity. The American program was sponsored by the Glickman Corporation and thus the program was "constantly interrupted – business as usual – by real-estate advertising" (Arendt). Even though no satellite transmission was possible, the distribution of the recordings was well-organized and provided some kind of live-experience, which presented on a regular bases was a never ending story of narrative, provided in little pieces yet foreseeing the end of the television drama, which not surprisingly ended in the conviction of the accused.

Not only dramaturgic but cinematographic decisions had to be made. Leo Hurwitz, the director of the film recordings, explained: "You can't simply follow a witness all the time he speaks, and then put the camera on Eichmann when his name is mentioned, [...] [y]ou have to have a sense of the event." A specific style of editing, a variety of camera angles, composition and editing give proof of the deliberate choices made. Jack Gould wrote in his report of the trial for the New York Times: "[R]eflected alert and competent camera work for the most part. There's no gainsaying that the sustained visual coverage affords a very real sense of presence at the courtroom drama in Jerusalem. . . . The close-ups of Eichmann in the glass-enclosed dock are especially good; the impassiveness of the man on listening to the indictment was chilling to watch." During the translation of Eichmann's statements, the camera mostly continued to focus on his face. Thus American spectators usually only saw the mostly still face of the accused and heard the English translation of his testimony by a female voice. Eichmann was shown in close-ups, sometimes medium shots or angels including the glass booth and guards, interrupted with shots of the audience. Thus more than 400 hours of film material were created, of which only parts were originally shown on television.

2.4 The Body and Voice of Discourse

The reports of journalists were usually accompanied by description of the body on trial, which was so ordinary that it allowed any projection. Arendt notes: "Adolf Eichmann, the man in the glass booth built for his protection: medium-sized, slender, middle-aged, with receding hair, ill-fitting teeth, and nearsighted eyes, who throughout the trial keeps craning his scraggy neck toward the bench (not once does he face the audience), and who desperately and for the most part successfully maintains his self-control despite the nervous tic to which his mouth must have become subject long before this trial started." Others described him as "[l]ean and partly bald, [he] was well groomed and poised throughout the first day's sessions. He had a fresh haircut and wore a dark gray suit that had been finished for him only yesterday. It was set off by a starched white shirt and black-and-white tie. There were only the smallest indications that he was at all restive. He frequently tightened his lips and wet them from time to time. He swallowed often and rubbed his right thumb against his left forefinger." (in Shandler) The close-ups provide the television audience an "advantage over the courtroom spectator, but only emphasized Eichmann's inscrutable ordinariness and made his presence seem that much more remote" (Shandler, 1999). But the spectators not only watched the accused, but witnessed the cruel stories of millions that were outspread before him. In the court, however, it was his body against the body of the witnesses, that in save symbolic distance had a stronger voice than they had during the Auschwitz trials.

However, at least in American television, his voice remained still for most of the times. Enclosed in his glass box, this emphasized the study of the evil as later discussed by Arendt and others. The trial was conducted in Hebrew, however, Eichmann spoke German as did most of the judges, who sometimes impatient had to await the Hebrew translation. Arendt remarks that the audience followed the proceedings in Hebrew through the simultaneous radio transmission, which was "excellent in French, bearable in English, and sheer comedy, frequently incomprehensible, in German". Clearly, not only the body and the mind, even the language of the accused must have been evil and devaluated to assist the "Gesamtkunstwerk" of the drama, in which the good would surely win in the end.

3. Debating the Eichmann case

Hannah Arendt
Susan Sonntag
Derrida

4. Trial and Holocaust in the Arts

4.1 Documentary drama (Germany)

4.2 Peter Weiss: "The Investigation" (1965)

6. Conclusio

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